

REMARKS

The applicants acknowledge with appreciation the substantive allowance of claims 8-13 and 21-26 presented in the Office Action of 18 April 2007. In response, the applicants amend independent claims 1 and 14 so as to more clearly patentably distinguish those claims from the prior art. In addition substantively allowed claims 8 and 21 are rewritten in independent form so as to be placed in condition for formal allowance. Further, claims 15-20 and 22-26 are amended so as to correct a transcription error and properly refer to a vacuum cleaner.

The rejection of claims 1-7 and 14-20 will be discussed in detail in the subsections below.

**THE REJECTION OF CLAIMS 1 AND 14 ON THE GROUNDS OF NON-STATUTORY  
OBVIOUSNESS/TYPE DOUBLE PATENTING AS BEING UNPATENTABLE OVER  
CLAIM 1 OF U.S. PATENT NO. 7,124,467 TO HITZELBERGER ET AL.**

Submitted herewith is a Terminal Disclaimer to overcome this rejection.

**THE REJECTION OF CLAIMS 1 AND 14 UNDER 35 U.S.C. §102(e) AS BEING  
ANTICIPATED BY U.S. PATENT 7,124,467 TO HITZELBERGER ET AL.**

The Hitzelberger et al patent discloses an edge cleaning system for a vacuum cleaner wherein a first air stream conduit provides fluid communication between the main inlet cavity and a control valve and a second air stream conduit provides fluid communication between the edge cleaning inlet on the nozzle assembly and the control valve. The control valve is located downstream from the main inlet cavity between the main inlet cavity and the dirt collection vessel. The structure disclosed in this patent clearly teaches away from the concept of providing an edge cleaning duct with an outlet discharging into the main cavity as explicitly

set forth in independent claims 1 and 14 of the present application and illustrated in the drawing figures.

As stated by the Court of Appeals for the Federal Circuit in *Verdegaal Bros. v. Union Oil Co. of California*, 814 Fed. 2d 628, 631, 2 USPQ 2d 1051, 1052 (Fed. Cir. 1987), “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.” Clearly, the Hitzelberger et al reference fails to disclose the concept of providing a vacuum cleaner with an edge cleaning duct or inlet that discharges into the main inlet cavity as set forth in these claims and, accordingly, claims 1 and 14 should be allowed.

**THE REJECTION OF CLAIMS 1-7 AND 14-20 UNDER 35 U.S.C. §102(b) AS  
BEING ANTICIPATED BY U.S. PATENT 4,959,885 TO SOVIS ET AL**

As best illustrated in Figures 1 and 2, the Sovis et al patent discloses a vacuum cleaner equipped with an edge cleaning duct 40 that communicates through a valve 44 with a suction passage 24 downstream from the main or agitator cavity 12. Accordingly, the Sovis et al patent does not disclose an edge cleaning duct with an outlet discharging into the main cavity as explicitly set forth in amended claims 1 and 14. Accordingly, independent claims 1 and 14 very clearly patentably distinguish over this art and should be allowed.

Claims 2-7 and 15-20 which depend from claims 1 and 14 and are rejected on the same grounds are equally allowable for the same reasons. Accordingly, all these claims patentably distinguish over the art and should be formally allowed.

**CONCLUSION**

In summary, all the pending claims patentably distinguish over the prior art and should be formally allowed. Not only do the cited references to Hitzelberger et al and Sovis et al fail

S.N. 10/788,809

Response dated July 17, 2007

Reply to Office Action of April 18, 2007

to teach or suggest the concept of providing a vacuum cleaner with an edge cleaning duct that discharges into the main cavity, they actually teach away from the presently claimed invention by explicitly disclosing edge cleaning ducts that discharge into conduits downstream from the main inlet cavity. Accordingly, these references provide no basis whatsoever for the rejection of the claims in this application. Upon careful review and consideration it is believed the Examiner will agree with this proposition. Accordingly, the early issuance of a formal Notice of Allowance is earnestly solicited.

Respectfully submitted,

**KING & SCHICKLI, PLLC**

A handwritten signature in dark ink, appearing to read "Warren D. Schickli", with a stylized flourish at the end.

Warren D. Schickli

Registration No. 31,057

247 North Broadway  
Lexington, Kentucky 40507  
(859) 252-0889